

REMARKS / ARGUMENTS

The present application includes pending claims 1-34, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 2, 6, 10-12, 16, 20-22, 26, and 30-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No. 2003/0007644, by Sprunk et al. (hereinafter, Sprunk et al.). Claims 3-5, 13-15 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of "Applied Cryptography", 2nd Edition, 1996 by Schneier (hereinafter, Schneier). Claims 7-9, 17-19 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of US Patent 4,864,615, issued to Bennett et al. (hereinafter, Bennett et al.). Claims 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of US Patent 7,028,014, issued to Naclerio. (hereinafter, Naclerio).

The Applicant respectfully traverses these objections and rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Sprunk et al. Does Not Anticipate Claims 1, 2, 6, 10-12, 16, 20-22, 26, and 30-31

The Applicant first turns to the rejection of claims **1, 2, 6, 10-12, 16, 20-22, 26, and 30-31** under 35 U.S.C. 102(e) as being anticipated by Sprunk et al.. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See id. (internal citation omitted).

A. Rejection of Independent Claims 1, 11 and 21 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 35 U.S.C. §102(e), the Applicant maintains that Sprunk et al. does not disclose or suggest at least the limitation of “receiving at least a first input key, a second input key and a third input key,” as recited by the Applicant in independent claim 1. The response to the Applicant’s argument made in the Final Office Action is noted. To further prosecution of the present application, the Applicant has amended Claims 1, 2, 11, 12, 21 and 22 as set forth in the ‘Amendments to the claims’.

Specifically, the Applicant submits that the Sprunk et al. does not teach or suggest “and said third input key is a key variation comprising a device identity.”

Accordingly, independent claim 1 is not anticipated by Sprunk et al. and is allowable. Independent claims 11 and 21 are similar in many respect to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1, 11, and 21.

B. Rejection of Independent Claim 31 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 31 under 35 U.S.C. §102(e), the Applicant maintains that Sprunk et al. does not disclose or suggest at least the limitation of “a mapper” as recited by the Applicant in independent claim 31. The Final Office Action refers to Sprunk, paragraph [0036], FIG. 4, Element 420 and 425 for support and states that “the first stage of dual DES Key Generator is considered as a key mapper.” The Applicant points out, however, that there is no suggestion in paragraph [0036] of Sprunk that DES generator 420 is a mapper. Since DES is the abbreviation for ‘Data Encryption Standard’, it is to be assumed that the ‘DES generator 420’ operates in accordance with well-known DES operation principles. DES functionality, however, is not one of mapping input bits.

The Applicant further maintains that Sprunk et al. does not disclose or

suggest at least the limitation of “a scrambler coupled to said mapper” as recited by the Applicant in independent claim 31. The Final Office Action refers to Sprunk, paragraph [0039], FIG. 4, Element 450, 455 and 456 for support and states that “the second stage of dual DES key scrambler (i.e. the key hashing function) can be considered as the scrambling function.” Paragraph [0039] does not teach or suggest that Elements 450, 455 and 460 are a “scrambler coupled to said mapper” as recited by the Applicant. The Applicant points out that the Final Office Action argues above that “said mapper” is provided by the elements 420 and 425 of FIG. 4 in Sprunk. Hence, assuming *arguendo* that elements 450, 455, and 460 constitute “a scrambler,” as suggested by the Final Office Action, FIG. 4 cannot then support “a scrambler coupled to said mapper” since the connections shown in FIG. 4 of Sprunk do not show that “a scrambler” and “a mapper”, as defined in the Final Office Action, are coupled.

C. Rejection of Dependent Claims 2, 6, 10, 12, 16, 20, 22, 26 and 30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, 21 and 31 under 35 U.S.C. § 102(e) as being anticipated by Sprunk et al. has been overcome and request that the rejection be withdrawn. Additionally, claims 2, 6, 10, 12, 16, 20, 22, 26, and 30 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1, 2, 6, 10-12, 16, 20-22, 26, and 30-31.

REJECTION UNDER 35 U.S.C. § 103

Claims 3-5, 13-15 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of "Applied Cryptography", 2nd Edition, 1996 by Schneier. Claims 7-9, 17-19 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of Bennett et al. Claims 32-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprunk et al., in view of Naclerio.

The Applicant notes that all rejections under 35 U.S.C. §103(a) are rejections of dependent claims that depend on independent claims 1, 11 and 21. Since the independent claims 1, 11 and 21 have not been objected to and are believed to be allowable, the Applicant submits that the rejection of dependent claims 3-5, 13-15, 23-25, 7-9, 17-19, 27-29 and 32-34 under 35 U.S.C. §103(a) be withdrawn and the claim be made allowable.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-34 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8105.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: October 18, 2007

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